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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,044	08/22/2003	David Chemelewski	TKG3971	8528
30245	7590	12/14/2004	EXAMINER	
ANTHONY EDW. J CAMPBELL			HUANG, SIHONG	
PO BOX 160370			ART UNIT	
AUSTIN, TX 78716			PAPER NUMBER	
			2632	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/646,044

Applicant(s)

CHEMELEWSKI, DAVID

Examiner

Sihong Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because reference numeral 36 as described in the specification as “a control switch” while Fig. 3 as described in the specification as cross sectional view of the indicator lamp 30. Reference numeral 36 should be changed to -- 30 -- in Fig. 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the safety circuit and the switch (lines 10-11) of claim 8 and the light pipe of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 4 is objected to because of the following informalities:

In claim 4, line 2, “said indicator” should be changed to “said indicator lamp”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 15-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification only hinted “a light pipe” could be used to transmit the light. The specification fails to provide any structure of the light pipe. The disclosure does not disclose what constitutes a light pipe, and how it is connected to LED 26. Without such information, the disclosure for claims 15-20 is non-enabling.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 2, “the light receptor” lacks antecedent basis.

Claim 4, line 4, “said light receptor unit” lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cotton (US 5,177,479).

**Regarding claim 1**, Cotton disclosed an automobile entry detector for use with a conventional garage door opener (see Fig. 1) comprising:

a photocell (43);

an electrical connector (electrical conductor 45) having a first end and a second end and connected on said first end to said photocell (col. 3, lines 14-15) ; and

an indicator lamp (47, 51, 53) connected to said second end of said electrical connector (col. 3, lines 14-15 and see Fig. 1).

**Regarding claim 5**, Cotton in col. 3, lines 15-18 disclosed the indicting device which includes two lamps 51 and 53 preferably mounted on the rear wall of the garage at approximately eye level in relation to the driver of the vehicle.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rulo (US 3,896,414).

Rulo disclosed an automobile detector comprising: a photocell (32), an electrical connector (the electrical conductor connecting photocell (32) to an indicator lamp (48) via elements 58, 60, 56 and 54); and an indicator lamp (48). The preamble has not been given any patentable weight since it is only a statement of intended use. Furthermore, the body of the claim is a self-contained structure that does not refer back to the preamble for the meaning of the terms in the body of the claim.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton (US 5,177,479).

Cotton fails to disclose the particular lighting house recited in these two claims. However, examiner takes Official notice that the particular type of lighting house recited in claims 6 and 7 are extremely well known types. It would have been extremely obvious to a person having ordinary skill in the art at the time of the invention to incorporate such conventional lighting house for the indicator unit of Cotton for the purpose of providing illumination and protection for the light bulb.

13. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Telmet (US 6,181,095 B1).

Telmet disclosed an automobile entry detector for garages comprising: a transmitter (32), a conventional garage door opener which includes controller unit, motor, and activation switch (col. 2, lines 34-49), a light receptor unit (44) electrically connected to said controller unit (see 52) and an LED (56) connected to said light receptor unit. Telmet differs from claims 15, 18 and 20 in that Telmet does not disclose a light pipe for transmitting light from the LED. However, since the LED indicator 56 illuminates light, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use a light pipe to guide the lights to any desirable location for the purpose of providing some indication to the driver of the vehicle.

Regarding claims 16 and 17, Telmet in col. 1, lines 37-38 disclosed the LED illuminating visual lights when an interruption of the beam occurs.

Regarding claim 19, of course no light will be transmitted if the LED is not illuminated.

***Allowable Subject Matter***

14. Claims 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
15. Claims 8-14 are allowed.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art reference Doppelt et al. (US 5,969,637) is cited to show a garage door opener with light control.

Prior art reference Walden et al. (US 4,870,413) is cited to show a vehicle positioning indicator device mounted in the eye level to the driver of a vehicle.

Prior art reference Lowry et al. (US 4,284,971) is cited to show a vehicle detection and visual warning system.

Prior art references Barkley et al. (US 4,808,997) and Brancale (US 3,493,925) are cited to show vehicle position indication systems. These two references are also mentioned/discussed by applicant in the specification. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.



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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sihong Huang whose telephone number is 571-272-2958. The examiner can normally be reached on Mon, Thu & Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sihong Huang  
December 10, 2004

A handwritten signature in black ink, appearing to be 'Sihong Huang', with a long horizontal line extending to the right.